

² The Program comprises Part 2 of the National Childhood Vaccine Injury Act of 1986, 42 U.S.C. §§ 300aa-10 et seq. (hereinafter “Vaccine Act” or “the Act”). Hereafter, individual section references will be to 42 U.S.C. § 300aa of the Act.

thereafter suffered from a Shoulder Injury Related to Vaccination Administration (“SIRVA”). *See* Petition at 1.

Following an onset hearing, this Court issued a Ruling on Onset, finding that petitioner’s shoulder pain began within 24 hours of her vaccination. *See* Ruling on Onset, ECF No. 60. Thereafter, respondent filed an Amended Rule 4(c) Report advising that respondent will not defend the matter. Resp. Am. Rep. at 1, ECF No. 68. Specifically, “[r]ecognizing that the Special Master’s factual finding that onset of symptoms took place within 24 hours...respondent submits that petitioner has otherwise satisfied the criteria set forth in the Vaccine Injury Table and the Qualification and Aids to Interpretation for SIRVA. *See* 42 C.F.R. §§ 100.3(a)(XIV) and (c)(10).” *Id.* at 2.

A special master may determine whether a petitioner is entitled to compensation based upon the record. An entitlement hearing is not required. §300aa-13; Vaccine Rule 8(d). In light of respondent’s position not to defend the case and a review of the record, the undersigned finds that petitioner is entitled to compensation. This matter is now in the damages phase.

IT IS SO ORDERED.

s/Mindy Michaels Roth
Mindy Michaels Roth
Special Master